

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CASE NO. 05-10088 MBB

JULIANNE MARIE EVANS,

Plaintiff,

vs.

NANTUCKET COMMUNITY
SAILING, INC., a Massachusetts corporation,
RONAN O'SIOCHRU and DONNCHA
KIELY,

Notice of Filing

Defendants.

Plaintiff gives notice of filing the returns of service on the defendants, Ronan O'Siochru
and Donncha Kiely.

Respectfully submitted,
"/s/ Jeffrey A. Miller"

Jeffrey A. Miller, Esq.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent by
U.S. Mail and facsimile to Thomas J. Muzyka, Esq., One Washington Mall, Suite 1400
Boston, Massachusetts 02108 on November 3, 2005.

"/s/ Jeffrey A. Miller"

Jeffrey A. Miller, Esq.
2424 North Federal Highway, Suite 314
Boca Raton, Florida 33431
Tel. 561.392.4300
Fax 561.347.7588
Florida Bar No. 308358

and

Steven D. Miller, Esq.
817 South University Dr., Suite 122
Plantation, Florida 33324
Tel. 954.472.0776
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Florida Bar No. 508187
Massachusetts Bar No. 560862.

and

Michael P. Ascher, Esq. (local counsel)
P.Q. Box 667
Hampden, MA 01036
Tel : 413.566.3878
Fax : 413.566.3437
Massachusetts Bar No. 022695

Affidavit of Daragh Farrell

County Cork
Republic of Ireland

Before me this day, personally appeared, Daragh Farrell, who, after being sworn did state under oath following:

1. My name is Daragh Farrell. I reside in County Cork in the Republic of Ireland. I am employed by Castle Detective Agency, with administrative offices located at Unit 4, Woodhill Villas, Lower Glanmire Road, Tivoli, Cork City, Ireland. We are licensed private investigators and authorized under Irish law to serve process. Our website address is: www.dca121.com.

2. I am familiar with the laws of Ireland pertaining to the manner in which service of process, including service of a summons and complaint can be made. I am also familiar with The Hague Convention on service of process.

3. The Hague Convention allows for service of process here in Ireland (of a foreign suit), according to Irish law, so long as the service is reasonably calculated to give notice, as if the action were filed in an Irish court of general jurisdiction.

4. I received 2 summonses and amended complaints in the case of *Evans v. Nantucket Sailing Club, Donncha Kiely and Ronan O Siochru*, filed in the United States District Court, District of Massachusetts, Case No. 05-10088 MBB, for service on 2 of the defendants, who reside in Ireland. One summons was for the defendant, Donncha Kiely and the other for the defendant, Ronan O Siochru. My instructions were to serve the summonses and amended complaints on the defendants, according to Irish law.

5. Upon receipt of the papers, we made inquiry at the residences of both men. I was informed that they were away on vacation in Spain/France, expected back in early August, 2005.

6. My agent, Tom Murphy, personally served Ronan O Siochru at his home at 10 Bishop's Court Hill, Bishop's Court Hill, Bishopstown, Cork, on August 12, 2005. He had to make 3 trips there before finding him at home.

7. Service on Donncha Kiely was not so easy. We were convinced that Mr. Kiely was evading service of process. Numerous trips to Mr. Kiely's residence at 20 Waterpark Close, Carigaline, Cork, were required. We checked the voter registration records and he listed that address as his home address. Also, there was a motor bike registered to Mr. Kiely at that address, which regularly came and went from that residence.

8. On September 9, 2005, while Mr. Kiely was at the residence (along with the motorbike registered to him), Tom Murphy served Mr. Kiely's father, Denis J. Kiely, who also resided there, after being told that Donncha was not at home.

9. Both Ronan O Siochru and Donncha Kiely were properly served with the summonses and complaints in a manner reasonably calculated to give them notice of the United States lawsuit in Massachusetts, and in the same manner as how I would have served them had the case been filed in a court of general jurisdiction here in Ireland.

Further affiant sayeth naught.

Sworn to and subscribed before me this 21st day of October, 2005.

D. Farrell
Daragh Farrell

Frank O'Connell
C. F. O'CONNELL
COMMISSIONER FOR OATHS



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